

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 3, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

No. 96-3661-CR

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

RALANDA NICOLE LEE,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Milwaukee County: VICTOR MANIAN, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Curley, JJ.

PER CURIAM. Ralanda Nicole Lee appeals from a judgment entered after a jury found her guilty of false imprisonment, party to a crime, *see* §§ 940.30 and 939.05, STATS., substantial battery, party to a crime, *see* §§ 940.19(1) and 939.05, STATS., and second-degree recklessly endangering safety, party to a crime, *see* §§ 941.30(2) and 939.05, STATS. Lee argues that her

warrantless arrest and the subsequent seizure of evidence from her home were in violation of the Fourth Amendment, and, therefore, the trial court erred in denying her motion to suppress the evidence recovered from her home.

I. BACKGROUND

On December 30, 1995, Lee's boyfriend, Travis Dickerson, went to the home of Rebecca Lathan, whom he had been dating. Dickerson pulled a gun on Lathan and ordered Lathan to leave with him. Lathan's cousin and a friend witnessed Lathan's abduction and called the police. Dickerson took Lathan to the apartment he shared with Lee, and there, Lee and Dickerson confined Lathan against her will and beat her.

As soon as Dickerson and Lathan arrived, Lee attacked Lathan and struck her with either a roll of quarters or a set of keys. Lee and Lathan then got into a violent fight, which lasted about twenty minutes. After Lee concluded her attack, Dickerson beat Lathan first with a phone cord, and then with his belt. Lee then also struck Lathan with the belt. Dickerson then told Lee to get a hanger. Lee gave Dickerson the hanger, which Dickerson heated at the stove before beating Lathan with it. After beating Lathan with the hot hanger, Dickerson told Lathan to remove her clothes. Dickerson then told Lee to get some alcohol to pour onto Lathan's wounds. Lee returned with a bottle of liquid that Dickerson then poured over Lathan; Dickerson also poured a bottle of cologne over Lathan and onto her wounds. At some point, Lee began yelling at Lathan for worrying her and making her hair fall out by "going with her man." Dickerson then gave Lee a pair of scissors that she used to cut off large chunks of Lathan's hair. When the physical attacks ended, Lee gave Lathan a robe and put Lathan in a bedroom with Lee's two young children.

Later, Lee gave Lathan her clothes and told her to get dressed. Lathan left Lee's home with a friend of Dickerson's, who drove her four blocks from her home and dropped her off. Lathan ran home and collapsed in front of her house. Milwaukee Police Detective Andrea Jaeger was at Lathan's home when Lathan returned, because she had responded to the call regarding Lathan's abduction. Lathan collapsed, and Detective Jaeger saw that she had welts, bruises and lacerations on her body, and that her hair had been cut off in chunks. Lathan had bruises and welt marks on both of her thighs and lower legs, on her right arm, hand and wrist, and on her upper back; she had burn marks on her ankles, her arm and her right shoulder from the hanger; she had a laceration on her arm from the phone cord; and her jaw was swollen.

After Lathan regained consciousness, she told Detective Jaeger what had happened and gave her a description of Dickerson and Lee. Detective Jaeger then sent some officers to Lee's home. The officers arrested Lee upon their arrival at her home, without a warrant. Detective Jaeger later arrived at the scene and seized some evidence that corroborated what Lathan had told her.

Prior to trial, Lee moved to suppress the items seized from her apartment, arguing that those items were seized in violation of the Fourth Amendment. At the hearing on the motion, Detective Jaeger was the only witness who testified. She testified that she was told that the officers who arrested Lee had knocked on the apartment door and Lee had answered the door. She further testified that when she arrived at Lee's apartment the door was open, and Lee was already under arrest. Detective Jaeger entered the apartment and searched it because the officers "had already established that was the crime scene and Ms. Lee was placed under arrest." Once in the apartment, Detective Jaeger seized a pair of scissors that was located on an end table; a broken ceramic tiger, which Lathan

had told her was broken during the fight; an earring belonging to Lathan; a roll of quarters; hair fibers found on a broom; a brass hanger; a set of keys; a bobby pin; a telephone cord; and five snake skin belts that were hanging in a bedroom closet.

At trial, both Lee and Dickerson corroborated parts of Lathan's testimony. Lee admitted that she and Dickerson had planned to pick up Lathan and bring her to their apartment, but asserted that Lathan had agreed to come over to discuss their differences. She further admitted that she fought with Lathan at the apartment. Dickerson also testified that Lee fought with Lathan at the apartment, and he added that Lee hit Lathan with a set of keys, and that a ceramic tiger had been broken during the fight. Both Lee and Dickerson admitted that Lathan was wearing a robe at some point while she was at the apartment. However, Lee claimed that neither she nor Dickerson beat Lathan with any object nor cut her hair. Rather, she claimed that after the initial fight, Lathan remained in the apartment and smoked a cigarette while Lee did laundry. Lee admitted that she and Lathan never discussed their differences while Lathan was at the apartment. Lee claimed that Lathan was at the apartment for a total of about thirty or forty minutes, and that Lee had washed and dried three successive loads of laundry during the time after their fight. The jury found Lee guilty of false imprisonment, substantial battery, and second-degree substantial battery as charged.

II. DISCUSSION

Lee argues that the trial court erred in denying her motion to suppress the items recovered from her apartment because her warrantless arrest and the subsequent search of her apartment were accomplished in violation of the Fourth Amendment. We do not reach this issue, however, because we hold that

any error was harmless. *See Gross v. Hoffman*, 227 Wis. 296, 300, 277 N.W. 663, 665 (1938) (if a decision on one point disposes of an appeal, the appellate court will not decide the other issues raised).

Generally, constitutional errors are subject to a harmless-error analysis. *State v. Flynn*, 190 Wis.2d 31, 54, 527 N.W.2d 343, 352 (Ct. App. 1994). Thus, a conviction will be upheld despite a violation of the defendant's constitutional rights if the State can demonstrate beyond a reasonable doubt that there is no reasonable possibility that the error contributed to the conviction. *See id.*, 190 Wis.2d at 55–56, 527 N.W.2d at 352–353; *State v. Rewolinski*, 159 Wis.2d 1, 27, 464 N.W.2d 401, 412 (1990); *State v. Dyess*, 124 Wis.2d 525, 543, 370 N.W.2d 222, 231–232 (1985). A reasonable possibility is one that is “sufficient to undermine confidence in the outcome’ of the proceeding.” *Dyess*, 124 Wis.2d at 544–545, 370 N.W.2d at 232 (citation omitted).

After reviewing the record, we are satisfied that there is no reasonable possibility that the items seized from Lee's home contributed to her convictions. Most of the items seized were general household items that could be found in any home, and thus the items were not of a particularly incriminating nature. Further, the fact that Dickerson took Lathan to Lee's home and the fact that Lee fought with Lathan in her home were not in dispute; the only issues in dispute were whether Lathan was at the apartment voluntarily and whether Lathan suffered physical abuse other than the initial attack by Lee. The nature of the injuries inflicted upon Lathan clearly evidenced that Lathan had been beaten and burned with some type of weapon, and Lathan's hair had obviously been cut off in chunks; thus, Lathan's physical condition corroborated Lathan's account so that the specific items used to inflict those injuries upon her were merely cumulative. Also, the accounts given by both Lee and Dickerson corroborated, in part,

Lathan's account of the crimes. For these reasons, we conclude that there is no reasonable possibility that the admission of the items seized from Lee's apartment contributed to Lee's convictions, and thus any alleged error was harmless.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

